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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,975	08/29/2000	Harold Blatter	RCA 88391A	9166

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2615

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 09/649,975	Applicant(s) BLATTER ET AL.	
	Examiner HUY T NGUYEN	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama et al (5,701,385) in view of Abe et al (5,978,546).

Regarding claim 1, Katsuyama discloses a reproducing apparatus (Figs. 22 and 23, column 22, lines 8-40) comprising:

receiving means (42) for receiving a digital signal reproduced from the reproducing apparatus; and

means (51) couple to the receiving means for generating a display message responsive display message data derived from the reproduced signal and for combining the display message with the video signal (column 22, lines 15-23)(Figs. 21 and 24) and status message of reproducing apparatus in response to the instruction from a controller (column 22, lines 15-23).

Katsuyama fails to teach that the receiving means further receiving the broadcast digital video signal and for selecting between the reproduced digital signal and the broadcast digital signal. However, it is noted that incorporating a receiving capable of receiving the broadcast digital signal and reproduced digital signal is well known in the art as taught by Abe et al. Therefore, it would have been obvious to one

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of ordinary skill in the art to modify Katsuyama with Abe by incorporating a means for receiving a broadcast digital signal and selecting between the broadcast digital signal and the reproduced digital signal thereby allowing the user to enable of selecting a broadcast digital signal for viewing .

Regarding claims 2, Katsuyama further teaches that the reproducing digital including data representative of a text display message (Figs. 21 and 24)..

3. Claims 3--10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyama et al (5,701,385) in view of Abe et al (5,978,546) and Levine (5,915,068)

Regarding claim 6 , Katsuyama discloses a reproducing apparatus Figs. 22 and 23, column 22, lines 8-40) comprising :

a receiving means (42) for receiving a digital signal reproduced from the reproducing apparatus ; and

means (51) couple to the receiving means for generating a display message responsive display message data derived from the reproduced in response to the instruction from a controller (column 22, lines 15-23). Katsuyama fails to teach that the receiving means further receiving the broadcast digital video signal and for selecting between the reproduced digital signal and the broadcast digital signal .

However, it is noted that incorporating a receiving capable of receiving the broadcast digital signal and reproduced digital signal is well known in the art as taught by Abe et al . Therefore, it would have been obvious to one of ordinary skill in the art to modify Katsuyama with Abe by incorporating a means for receiving a broadcast digital signal and selecting between the broadcast digital signal and the reproduced

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digital signal thereby allowing the user to enable of selecting a broadcast digital signal for viewing ..

Katsuyama fails to teach the use of a memory for storing the messages. as recited in claims 6 and 3.

Levine teaches a apparatus having a memory for storing the message to be superimposed on a video signal (column 5, lines 1-25).

It would have been obvious to one of ordinary skill in the art to modify Katsuyama with Levine by using a memory for storing the message of the reproducing apparatus and receiver in order to accurately access the messages to be superimposed on the video signal.

Katsuyama as modify with Levine further teach that in absent of a specific message , a message is generated (when a disk is unloaded , a message "NO DISK" is generated and displayed)(See Katsuyama Fig. 24 and 31).

Regarding claims 4-5 and 7-10, Katsuyama further teaches the displaying messages for the digital reproducing apparatus (Figs. 24 and 31).

### ***Response to Arguments***

4. Applicant's arguments filed Sep 20, 2001 have been fully considered but they are not persuasive.

In Remarks, applicants argue that Katsuyama does not teach generating a displayed message and combined the generated message with a selected video signal. In response, the examiner disagrees it is noted that Katsuyama teaches that when the reproducing device is selected to reproduce the digital video signal from a

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medium, a status or message related to a reproduction mode is generated and the generated status is combined with the reproduced video signal and send to a television for displayed thereon. Applicants further argue that Abe fails to teach the digital television receiver for receiving the generating the message. In response, the combination of Katsuyama and Abe teaches a digital receiving that receives the message and video reproduced signals from a selected input since Katsuyama teaches that the status or message is combined with the reproduced video signal and Abe teaches a digital receiver capable of receiving the broadcast digital television signal and reproduced digital video signal. Therefore, the combination of Katsuyama and Abe teaches a digital television receiver capable of receiving the status and reproduced digital signal from a reproducing apparatus.

Regarding claim 3, applicants argues that the combination of Katsuyama, Abe and Levine fails to teaches a digital television receiver having a memory for storing a plurality of message. In response, the combination of Katsuyama, Abe and Levine teaches a digital television receiver further uses a memory for storing a plurality of message. Levin teaches a receiver used a memory for storing a plurality of messages and Katsuyama and Abe teach a digital television receiver for receiving a digital broadcast video signal. Further it is noted that claim 3 recites that the digital television further comprises a memory, it is not meant that the digital television receiver includes a memory. See monitor 300. Fig. 4.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshinobu et al teaches a digital system for receiving the broadcast digital video signal and reproduced video signal from an reproducing apparatus .

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is (703) 306-0377.

  
HUY NGUYEN  
PRIMARY EXAMINER

H.N

December 16, 2001